

AN ORDINANCE

BY: COUNCILMEMBER CARLA SMITH

AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AMENDING CITY OF ATLANTA CODE OF ORDINANCES SECTION 130-10 TO REQUIRE CONCRETE TRUCKS, CEMENT TRUCKS AND DUMP TRUCKS OPERATING ON PUBLIC STREETS IN THE CITY OF ATLANTA TO USE APPROPRIATE SPILL PROTECTION DEVICES; AND FOR OTHER PURPOSES.

WHEREAS, the residents in District 1 have complained to the Councilmember of the district of ready-mixed concrete trucks depositing cement of the City's rights-of-way; and

WHEREAS, the Councilmember of their district is willing to assist them in getting this problem resolved; and

WHEREAS, it is industry standard in the construction and materials hauling industry to utilize spill prevention and capture devices on concrete, **cement** and dump trucks when operating on public streets and highways; and

WHEREAS, the regular and consistent use of such devices will significantly reduce the number of spills and the resulting damage to public streets and private vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That Section 130-10 of the City of Atlanta Code of Ordinances is amended to read as follows:

Section 130-10, Concrete, Cement, Gravel, Sand, Dirt, and Asphalt Hauling

Any person engaged in hauling concrete, cement, gravel, sand, dirt, or asphalt on any public street within the corporate limits of the City shall load or fill vehicles so as to not allow spillage of any material onto the City streets or sidewalks. All vehicles hauling wet concrete, cement or loose material are required to use suitable covers, and spill prevention and capture devices to prevent materials from blowing, spilling, or dripping from the vehicle.

Operating any such vehicle on a public street within the City of Atlanta without appropriate covers, or spill prevention and capture devices in place is a violation of City Code and is punishable by a minimum fine of \$500.00, but not to exceed \$1,000.00 per occurrence or 30 days imprisonment or both at the discretion of the trial judge.

In the event that spillage does occur in spite of the appropriate use of said devices, the person responsible for the operation of the vehicle shall take immediate action to remove the material from the street or sidewalk. Shoveling, sweeping, or vacuuming the material and removing it from the roadway is an appropriate response.

Failure to remove spilled material from a public street or sidewalk, or washing spilled material into any storm sewer, sanitary sewer, catch-basin, manholes, or other drainage-way is not an acceptable response, and is a violation of City Code and is punishable by a minimum fine of \$500.00, but not to exceed \$1,000.00 per occurrence or 30 days imprisonment or both at the discretion of the trial judge.

Implementation of this code section does not reduce liability under any other applicable state or federal law, rule, or requirement.

The Chief of Police and the Commissioner of Public Works are both authorized to enforce this Section.

SECTION 2. That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.